

FILED

IN CLERKS OFFICE
U.S. DISTRICT COURT - N.Y.

★ AUG 6 2008 ★

P.M. _____
TIME A.M. _____

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
ZEPA DJOKOVIC,

-against-

UNITED STATES JUSTICE DEPARTMENT, et al.,

Defendant.
-----X

A P P E A R A N C E S
UNITED STATES ATTORNEY
Benton J. Campbell
United States Attorney
225 Cadman Plaza East
Brooklyn, New York 11201
By: Scott Dunn, Esq.
Attorney for Plaintiff

HOWARD WEBER, ESQ.
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By: Howard Weber, Esq.
Attorney for Defendant

JOHNSON, Senior District Judge:

Presently before the Court is a Report and Recommendation ("Report") prepared by Magistrate Judge Robert M. Levy. Judge Levy issued the Report on January 24, 2008, and provided the parties with the requisite amount of time to file any objections. Neither party submitted objections to the court. For the reasons stated herein, this Court affirms and adopts the Report in its entirety and as a result, this case is dismissed.

A district court judge may designate a magistrate judge to hear and determine certain motions pending before the Court and to submit to the Court proposed findings of fact and a recommendation as to the disposition of the motion. See 28 U.S.C. § 636(b)(1). Within 10 days of service of the recommendation, any party may file written objections to the magistrate's report. See Id. Upon *de novo* review of those portions of the record to which objections were made, the district court judge may affirm or reject the recommendations. See Id. The Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the report and recommendation to which no objections are addressed. See Thomas v. Arn, 474 U.S. 140, 150 (1985).

Judge Levy's Report noted that plaintiffs failed to file a return of service, and that defendants' counsel advised that no defendant had been served. The court scheduled two initial conferences and plaintiffs failed to appear at either conference or to request an adjournment. On January 9, 2008, Judge Levy ordered plaintiffs' counsel to serve and file electronically, on or before January 22, 2008, a letter explaining the status of this case and stating whether plaintiffs intend to proceed with this action. The judge warned that failure to comply would lead to a report and recommendation that this case be dismissed for failure to prosecute. The plaintiffs failed to submit such a letter.

After reviewing Judge Levy's Report, the Court concludes that it will defer to the findings of Judge Levy and it affirms and adopts the Report in its entirety. Accordingly, this case is DISMISSED.

SO ORDERED.

/s/(SJ)

Dated: July 11, 2008
Brooklyn, NY

Senior United States District Judge